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OFFICE OF PETITIONS

In re Patent No. 6,707,160 :
Issue Date: March 16, 2004 :
Application No. 09/871,671 :
Filed: June 4, 2001 :
Attorney Docket No. 04329.2567 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed June 3, 2004, requesting a duplicate Letters Patent due to non-receipt of the original Letters Patent.

The petition is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.182."

Applicant states that the Patent Application Information Retrieval System (PAIR) indicates that the original grant was mailed on March 16, 2004; however, applicant's representative has not received the Letters Patent to date. Applicant believes that the USPS lost the Letters Patent.

Initially, the Office notes that a request for a duplicate Letters Patent may be granted in two situations: 1) due to the loss of the Letters Patent either by the law firm, applicant or assignee, or the destruction of the Letters Patent (petition fee required); or 2) due to non-receipt of the Letters Patent (no petition fee required).

The showing required for issuance of a duplicate Letters Patent with no fee due to non-receipt is the same as that set forth in the Manual for Patent Examining Procedure, Section 711.03(c), under the subheading "Petitions to Withdraw the Holding of Abandonment."

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

In this instance, applicant has alleged non-receipt of the Letters Patent. Accordingly, applicant must provide a statement from the practitioner, as well as a copy of the docket records where the non-received Letters Patent would have been entered had it been received and docketed.

The \$130.00 petition fee is not necessary and will be credited to Deposit Account No. 06-0916.

Further correspondence with respect to this matter should be addressed as follows and to the Attention of Senior Petitions Attorney Christina Tartera Donnell:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions